

Remarks

Claims 28 and 29 were pending in the application. Claims 28 and 29 were rejected. Claim 28 is amended. Claims 30-32 are added. Claims 28-32 are now pending in the application. Claim 28 is the independent claim. Reconsideration of the amended application is respectfully requested.

Claim rejections – 35 U.S.C. §103(a)

The examiner rejected claims 28 and 29 under 35 USC §103(a) as being unpatentable in view of Allard et al.

As amended, independent claim 28 recites a method of recording Internet activity performed by a user on behalf of a client of the user. According to the claimed invention, the user initiates a client session by providing a user identifier and/or a client matter identifier. During the client session, at least one respective Internet activity is performed by the user on behalf of the client. For at least one performed Internet activity, a respective time value is automatically generated based at least in part on at least a start time defined by when the user begins performance of the Internet activity and/or a completion time defined by when the user completes performance of the Internet activity. For each performed Internet activity, a respective activity record is automatically generated corresponding to the respective Internet activity performed by the user. A session record is stored, including activity data based at least in part on each generated time value, each generated activity record, and user identifier and/or client matter identifier. A bill and/or a report are generated based at least in part on the session record. The bill and/or report are forwarded to the client. The user identifier and the client matter

identifier correspond to the client, and the Internet activity includes a request for data from a publicly available Internet location.

In contrast, Allard et al. (6,018,619) disclose monitoring Internet activity on behalf of the Internet provider to be used for marketing analysis of Internet sites accessed by client users. Allard et al. do not disclose tracking Internet searches performed by a user on behalf of the user's client, allowing a user to accurately bill a client for time spent researching information related to the client's matter. Claims 28 and 29 further disclose tracking activity by a user identifier and/or a client matter identifier. Dependent claim 30 requires both of these identifiers to be entered. This allows the billing and reporting software to generate a bill grouped and categorized based on either user identifier, client matter identifier, or both, features that are not provided by Allard et al. and which Allard et al. are not capable of providing.

The examiner took official notice that recording Internet activity by a user for work performed on behalf of a client and generating a report and bill was well known in the relevant art. However, Allard et al. require use of a smart server 22 in order to track *client* session usage on the *client* side of the information transaction (The term *client* is printed in italics when referring to a server/*client* relationship, to distinguish from user client as recited in the claims). As shown in Fig. 2 and described at column 9, line 49-column 10, line 10, a CST information server 22 does *client*-side usage tracking for a non-tracking *client* computer 24. A tracking *client* computer 28 can perform its own session tracking, but only in a session handled through the CST information server 22. This session information is processed through the CST server 22 because Allard et al. are concerned with capturing all *client* session information for use by an information server

10 provider, that is, a provider of content over a network, such as an Internet content provider. The provider is only tracking usage by one user, so a user identifier is not needed. Also, the provider is not interested in client matters of the user, so a client matter identifier is not needed or useful. Claim 37 is added to further distinguish the claimed invention from Allard et al. and the examiner's example by reciting a user computer connected directly to the Internet, that is, not through the use of an intervening server. Similarly, claim 38 recites independence from any particular content provider.

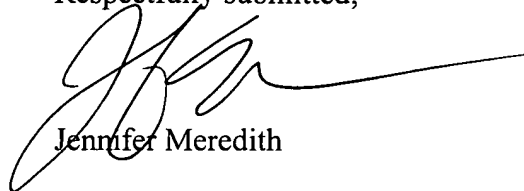
Further, in the example provided in support of official notice taken by the examiner, a user has access to a particular content provider, who can on his own log his time according to the user client matter, but has not shown that the user can provide a client matter identifier to enable generation and sorting or reports sorted by client matter. In any case, Allard et al. do not disclose the particular activities recited in claim 28, or the specific information present in the activity record recited in new claim 34. This specific activity record information also is not included in the examiner's example. Because Allard et al. and the examiner both disclose systems in which a user gains access over a network to a particular content provider, neither reference teaches or suggests logging of user URL access or hyper link access, for example, and neither reference discloses logging of input device events. These specific activities and information are recited in claims 35 and 36.

In summary, neither Allard et al. nor the examiner's example disclose the detailed logging and reporting of activity provided by the claimed invention. Further, neither reference discloses or suggests parsing of reports by client matter, or access or reporting

activity that is independent of content provider. Neither discloses automatic bill generation, as recited in claim 33.

Applicants request that the Amendment be entered, the claims allowed, and the case passed to issue. If any issues remain outstanding on entry of this Amendment, the examiner is requested to contact undersigned counsel to arrange a personal interview in order to expedite prosecution.

Respectfully submitted,

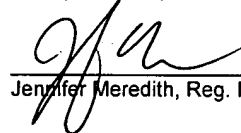


Jennifer Meredith

Jennifer Meredith
315 Park Avenue South
19th Floor
New York, New York 10010
(212) 505-2840
(212) 202-3819 (FAX)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage express mail label ED153773115US in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on September 7, 2004



Jennifer Meredith, Reg. No. 47,790

MARKED UP VERSION OF CLAIMS

28. A method of recording Internet activity performed by a user on behalf of a client of the user, comprising:

initiating, by the user, a client session by providing, at least one of a ~~client identifier~~ user identifier and a client matter identifier;

during said client session, performing at least one respective Internet activity by the user on behalf of the client;

for at least one of the at least one performed Internet activity, automatically generating a respective time value based at least in part on at least one of a start time defined by when the user begins performance of the respective at least one Internet activity, and a completion time defined by when the user completes performance of the respective at least one Internet activity;

for each of the at least one performed Internet activity, automatically generating a respective activity record corresponding to the respective Internet activity performed by the user;

storing a session record comprising activity data based at least in part on each generated time value, each generated activity record, and the at least one of a ~~client identifier~~ user identifier and a client matter identifier;

generating at least one of a bill and a report based at least in part on said session record; and

forwarding, to the client, the at least one of a bill and a report;

wherein the user identifier and the client matter identifier correspond to the client, and the at least one Internet activity comprises a request for data from a publicly available Internet location.

29. The method of claim 28, wherein the user performs a plurality of Internet activities, and the plurality of Internet activities comprises a request for data from a publicly available Internet location, and at least one of data entry of a network address, data entry of a URL, data entry of at least one search term, data entry of at least one data instance, selection of a hyperlink, a data transfer, and an input device event.

30. The method of claim 28, wherein
the at least one of the user identifier and the client matter identifier is both the
user identifier and the client matter identifier, and
storing a session record comprises activity data based at least in part on each
generated time value, each generated activity record, the user identifier and the client
matter identifier.

31. The method of claim 28, wherein automatically generating a respective time
value is based on both the start time defined by when the user begins performance of the
respective at least one Internet activity and the completion time defined by when the user
completes performance of the respective at least one Internet activity.

32. The method of claim 28, wherein generating at least one of the bill and the report is based at least in part on said session record, categorized by at least one of the client matter identifier and the user identifier.

33. The method of claim 28, wherein the bill is generated automatically.

34. The method of claim 29, wherein the activity record includes information identifying at least one of network addresses accessed by the user, times of URL entries made by the user, a list of search terms entered by the user, captures of data instances accessed by the user, selections of hyperlinks by the user, data transfers made by the user, and input device events performed by the user.

35. The method of claim 28, wherein the user performs a plurality of Internet activities, and the plurality of Internet activities comprises data entry of a URL, selection of a hyperlink, and an input device event.

36. The method of claim 35, wherein the activity record includes information identifying at least one of times of URL entries made by the user, selections of hyperlinks by the user, and input device events performed by the user.

37. The method of claim 28, wherein the client session is initiated on a computer that is connected directly to the Internet.

38. The method of claim 28, wherein the one respective Internet activity is not restricted to activity with a particular content provider.